

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus Sommermeyer

U.S. Application No.: 10/542,944

U.S. National Stage of:

International Application No.: PCT/EP2004/000488

International Filing Date: January 22, 2004

Title: CARBOXYLIC ACID DIESTERS, METHODS FOR THE PRODUCTION THEREOF AND METHODS FOR THE PRODUCTION OF PHARMACEUTICAL ACTIVE SUBSTANCES COUPLED TO FREE AMINO GROUPS WITH POLYSACCHARIDE OR POLYSACCHARIDE DERIVATIVES

Date: 9-16-05

EXPRESS MAIL LABEL NO. EV 215897797 US

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT (DO/EO)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application file.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☐ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English references) for reference(s) B3-B5 under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☒ for Reference B3, the enclosed English Abstract from DIALOG World Patents Index Accession No. 1998-078023/199808, for Reference B4, the enclosed English Abstract from DIALOG World Patents Index Accession No. 2003-113316/200311 and for Reference B5, the enclosed English Abstract from DIALOG World Patents Index Accession No. 1982-17945E/198210.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
 ____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
 ____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

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Dated: *9/16/05*

September 15, 2005

(Use several sheets if necessary)

APPLICATION NO.
10/542,944

FIRST NAMED INVENTOR
Klaus Sommermeyer

PCT FILING DATE
January 22, 2004

EXAMINER

CONFIRMATION NO.

GROUP

U.S. PATENT DOCUMENTS

[illegible]

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION September 15, 2005 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3675.1002-000		APPLICATION NO. 10/542,944	
	FIRST NAMED INVENTOR Klaus Sommermeyer		PCT FILING DATE January 22, 2004	
	EXAMINER	CONFIRMATION NO.	GROUP	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	B3	DE 19628705	01-15-1998	Fresenius AG		X
	B4	DE 10112825	10-02-2002	Fresenius Kabi Deut GMBH et al.		X
	B9	DE 3029307	03-04-1982	Fresenius AG et al.		X
	B6	EP 0418523 A1	03-27-1991	Chisso Corporation		
	B9	EP 0418523 B1	03-27-1991	Chisso Corporation		
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EXAMINER	DATE CONSIDERED
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